



## MEMORANDUM

**MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT**  
*We strive to be caring, professional and fair*

To: Planning Commission  
From: Tiffany Stankiewicz, Development Administrator *BS*  
Through: Townsley Schwab, Sr. Director of Planning & Environmental Resources *TS*  
Date: March 1, 2010  
Subject: Residential Dwelling Unit Evaluation Report for Quarter 2, Year 18

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**Meeting Date: March 10, 2010**

1 This report has been prepared pursuant to Section 138-26 of the Land Development Regulations  
2 (LDRs). The proposed residential dwelling unit rankings attached to this report are for the  
3 second quarter of year eighteen which covers the period October 13, 2009, through January 12,  
4 2010.

5  
6 **I) BACKGROUND INFORMATION:**  
7

8 On June 23, 1992, the Monroe County Board of County Commissioners adopted Ordinance  
9 #016-92, thereby implementing the Residential Dwelling Unit Allocation System. The  
10 Ordinance became effective on July 13, 1992, and has been amended from time to time. On  
11 March 15, 2006, the Board of County Commissioners adopted Ordinance 009-2006 to implement  
12 the Tier System, and subsequently, it was challenged by Florida Keys Citizens Coalition, Inc. and  
13 Protect Key West and the Florida Keys, Inc., d/b/a Last Stand. Thomas G. Pelham, Secretary,  
14 Department of Community Affairs signed the final order deciding the challenge on September  
15 26, 2007.

16  
17 The Tier System, still a Rate of Growth Ordinance (ROGO), made changes such as sub-area  
18 boundary districts for allocation distribution, basis of scoring applications, and administrative  
19 relief.  
20

21 Sub-districts are as follows: A) Lower Keys Sub-area (Lower and Middle Keys combined) and  
22 Upper Keys sub-area and B) Big Pine/No Name Key subareas remain the same.  
23

24 Therefore, background information is divided into the following categories of applications  
25 reviewed this quarter.

1  
2  
3     **A. Lower & Upper Keys Sub-areas:**

	<i>Market Rate</i>	<i>Affordable Housing</i>
6       *	Lower Keys (Lower & Middle Keys)      84	0
7       **	Upper Keys                                  217	0
8       ***	Upper Keys (Adm. Relief) <u>2</u>	0
9		
10 <u>Total:</u>	<b>303</b>	<b>0</b>

- 11  
12       \*     80 applications are rollovers or reapplications from previous quarters.  
13       \*\*    215 applications are rollovers or reapplications from previous quarters.  
14       \*\*\*   0 applications are rollovers or reapplications from previous quarters.

15  
16     **B. Big Pine/No Name Key Sub-area:**

- 17  
18       1) On June 23, 1992, the Monroe County Board of Commissioners adopted  
19       Ordinance 016-1992, thereby implementing the Residential Dwelling Unit  
20       Allocation System. The ordinance became effective on July 13, 1992 and has  
21       been amended from time to time.  
22  
23       2) In 1998, the Florida Department of Transportation, Monroe County, the Florida  
24       Department of Community Affairs, the U.S. Fish and Wildlife Service and the  
25       Florida Fish and Wildlife Conservation Commission signed a Memorandum of  
26       Agreement to develop a Habitat Conservation Plan (HCP) for the Key Deer and  
27       other protected species in the project area.  
28  
29       3) The Livable Communikeys Program (LCP), Master Plan for Future Development  
30       of Big Pine Key and No Name Key was adopted on August 18, 2004 under  
31       Ordinance 029-2004. The LCP envisioned the issuance of 200 residential  
32       dwelling units over 20 year horizon at a rate of roughly 10 per year. A minimum  
33       of twenty percent of the 10 units per year are to be set aside for affordable housing  
34       development.  
35  
36       4) On September 22, 2005, the Monroe County Board of Commissioners adopted  
37       Ordinance 025-2005 which revised the ROGO to utilize the Tier overlay as the  
38       basis for the competitive point system. The ordinance became effective on  
39       February 5, 2006.  
40  
41       5) On June 9, 2006, the Federal Fish and Wildlife Permit was issued to 1) Monroe  
42       County, Growth Management Division, 2) Florida Department of Transportation,  
43       and 3) Florida Department of Community Affairs for Threatened and Endangered  
44       Species Incidental Take Permit (ITP) since the permittees have defined the  
45       geographic area covered by their HCP.

- 1           6) Based on the revised 2010 Comprehensive Plan and the adopted Maps as part of  
2           the Master Plan for Big Pine Key and No Name Key, they are now evaluated as  
3           their own sub-area.

4

5           7) Applications reviewed in this quarter:

6

	<i>Market Rate</i>	<i>Affordable Housing</i>
*Big Pine/No Name Key	47	0

7           \* 43 applications are rollovers or reapplications from previous quarters.

8

- 9
- 10          8) The ITP requires the Permittees [1. Monroe County, Growth Management Division, 2.  
11           Florida Department of Transportation, and 3. Florida Department of Community Affairs] to  
12           ensure that the take of the covered species is minimized and mitigated. The  
13           Permittees are responsible for meeting the terms and conditions of the ITP and  
14           implementing the HCP. Pursuant to the LCP Action Item 9.2.4 the County will  
15           create a mitigation fee for new residences, non-residential floor area, and  
16           institutional uses in order to ensure that development bears its fair share of the  
17           required mitigation under the Federal ITP #TE083411-0.
- 18
- 19          9) On November 14, 2007, the Board of County Commissioners adopted Ordinance  
20           044-2007 deferring residential and non-residential allocations on Big Pine/No  
21           Name Key until a mitigation ordinance is adopted or for two months from  
22           December 1, 2007. Ordinance 044-2007 has expired.
- 23
- 24          10) On May 6, 2008, the Planning Commission made a recommendation not to  
25           approve the Big Pine/No Name Key Mitigation Ordinance and forwarded their  
26           recommendation to the Board of County Commissioners for review.
- 27
- 28          11) On August 20, 2008, the Growth Management Division withdrew the proposed  
29           Big Pine / No Name Key Mitigation Ordinance from the Board of County  
30           Commissioners' agenda. The Growth Management Division is exploring the  
31           concept of regulatory conservation to meet or exceed the 3:1 mitigation required  
32           by the Incidental Take Permit.
- 33
- 34          12) On August 19, 2009, the Board of County Commissioners discussed the utilized  
35           “H” mitigation credit/debit process for public and private development located on  
36           Big Pine Key and No Name Key with direction to Growth Management to pursue  
37           Regulatory Conservation as a mitigation strategy using a mitigation ordinance as a  
38           secondary approach. In the meantime the County is using the H bank for the  
39           mitigation of allocations.
- 40
- 41
- 42
- 43
- 44
- 45

1      **II) ALLOCATION FACTORS:**

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- 3
- 4      A. Pursuant to Section 138-24 the number of annual allocations available is 197.
- 5
- 6      B. Section 138-24(c) allows any unused portion of affordable housing allocations to be
- 7                retained and rolled over into the next dwelling unit allocation year.
- 8
- 9      C. Section 138-24(a)(4) allows the Planning Commission to amend the affordable housing
- 10                proportions during any ROGO quarter.
- 11
- 12     D. Section 138-27(g) limits administrative relief allocations per quarter. The number of
- 13                allocations that may be awarded under administrative relief in any subarea quarter shall
- 14                be no more than fifty percent (50%) of the total available market rate allocations.
- 15
- 16     E. Section 138-24(a)(6) limits on the number of allocation awards in Tier I. The annual
- 17                number of allocation awards in Tier I shall be limited to no more than three (3) in the
- 18                Upper Keys and no more than three (3) in the Lower Keys. Big Pine/No Name Key is
- 19                limited to ten (10) allocations over a twenty year period or  $H = .022$  whichever is lower.
- 20

21                Below is a table tracking the Tier 1 allocations by quarter/year.

22

Key (Island)	Permit Number	Tier Allocation type	Quarter, Year
Subarea Big Pine: Begin Dec. 27, 2004 (Ordinance 029-2004)			
Big Pine	03102303	Adm. Relief	Q 2 Y 16
Big Pine	97101361	Market Rate	Q 1 Y 17
Subarea Lower: Begin July 14, 2009 (Year 16)			
Little Torch	96100414	Market Rate	Q 4, Y 16
Sugarloaf	03102265 (Not used)	Adm. Relief	Q 2 Y 17
<b>Total used to date: One (1)</b>			
Subarea Upper: Begin July 14, 2009 (Year 16)			
Largo	04305020	Adm. Relief	Q 4 Y 17

- 23
- 24
- 25     F. Monroe County Code Section 138-25(f) Expiration of allocation award: Except as
- 26                provided for in this division, an allocation award shall expire when its corresponding
- 27                building permit is not picked up after sixty (60) days of notification by certified mail of
- 28                the award or, after issuance of the building permit.
- 29

30                Monroe County Section 138-24 allows a total of 197 allocations per year (126 Market

31                Rate and 71 Affordable Housing).

32

1  
2

## Year 18 Allocation Allotment Breakdown (July 14, 2009 –July 12, 2010)

Area	M CC allotment by subarea	Qtr 1	Qtr 2	Qtr 3	Qtr 4
<b>Market Rate:</b>					
<u>Lower Keys (Lower/Middle) Keys</u>	<b>57</b>	<b>14</b>	<b>14</b>	<b>14</b>	<b>15</b>
<u>Big Pine/No Name Keys</u>	<b>8</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>2</b>
<u>Upper Keys</u>	<b>61</b>	<b>15</b>	<b>15</b>	<b>15</b>	<b>16</b>
<u>Total:</u>	<b>126</b>	<b>31</b>	<b>31</b>	<b>31</b>	<b>33</b>
<b>Affordable Housing:</b>					
<u>Big Pine/No Name Keys</u>	<b>0*</b>				
<u>Lower (Lower/Middle), Upper Keys</u>	<b>100</b>				

3 \* The BOCC Resolution 0077-2008 reserved Affordable Housing allocations, therefore zero affordable allocations available this year.  
4  
5

### **III) EVALUATION AND RANKING:**

7 The evaluation of the allocation applications was performed by the Planning & Environmental  
8 Resources Department. Positive and negative points were granted in compliance with the  
9 evaluation criteria contained in Section 138-28 of the LDRs for the Lower (Lower/Middle),  
10 Upper Keys, and Big Pine/ No Name Key Sub-areas.

11 Based on the total points scored, each allocation was ranked by sub-area. If applications received  
12 identical scores, they were first ranked by date and time and further ranked based on the  
13 applicants with the fewest negative number of points on the same day. Please note that any  
14 excess allocations approved must be deducted from the next quarterly allocation period pursuant  
15 to Monroe County Code Section 138.26(e).  
16  
17

### **IV) RECOMMENDATIONS:**

#### **A. Market Rate Allocations Quarter 2 Year 18:**

22 The number of applications in the Lower Keys (Lower/Middle), Big Pine/No Name Keys, Upper  
23 Keys sub-areas was greater than the quarterly allocation awards available. Per Section  
24 138.26(b)(7) of the LDRs, the rankings that indicate which applications received sufficient points  
25 receive an allocation award. An additional page is attached which identifies the location of each  
26 proposed allocation by island and subdivision.  
27

28 The Market Rate applications that are within the quarterly allocations recommended for Quarter  
29 2 Year 18 approval are as follows:  
30

31 Lower (Lower/Middle) Keys: Applicants ranked 1 through 10 and 13 through 14 are  
32 recommended for allocation awards. Staff is holding allocations in abeyance for applicants  
33 ranked 11 though 12, since the properties do not have tier designations at this time. Once tier

1 designations are finalized, staff will bring the allocations back to the Planning Commission for a  
2 recommendation of either a sufficient ranking or insufficient ranking for an allocation award for  
3 these or other applicants.

4 Big Pine/No Name Keys: Applicants ranked 1 through 2 are recommended for allocation awards  
5 based on mitigation available from Monroe County.

6 Upper Keys: Applicants ranked 4 and 6 through 9 are recommended for allocation awards. Staff  
7 is holding allocations in abeyance for applicants ranked 1 though 3, 5, and 10 through 13, since  
8 the properties do not have tier designations at this time. Once tier designations are finalized,  
9 staff will bring the allocations back to the Planning Commission for a recommendation of either  
10 a sufficient ranking or insufficient ranking for an allocation award for these or other applicants.

11 Upper Keys Administrative Relief: Applicants ranked 1 through 2 are recommended for  
12 allocation awards.

13

14 B. Affordable Housing Allocations for the Lower (Lower/Middle) & Upper Keys Quarter 2  
15 Year 18:

16 There are two affordable housing allocation categories: 1) very low, low, & median income and  
17 2) moderate income. Thirty-one (31) affordable housing rollover from ROGO Year 17 and sixty-  
18 nine (69) new allocations are made available pursuant to Monroe County Code. Therefore, a  
19 total of a hundred (100) affordable housing allocations are available for Year 18.

20

21 There was zero (0) affordable housing applications submitted this quarter in the moderate income  
22 category and there were zero (0) affordable housing applications submitted this quarter in the  
23 very low, low & median income category.

24

25 C. Affordable Housing Allocations for the Big Pine/No Name Keys Quarter 2 Year 18:

26 There are two affordable housing allocation categories: 1) very low, low, & median income and  
27 2) moderate income. There are zero (0) affordable housing allocations due to reservations made  
28 by the Board of County Commissioners.

29

30 There were zero (0) affordable housing applications submitted this quarter in the moderate  
31 income category and there were zero (0) affordable housing applications submitted this quarter in  
32 the very low, low & median income category.













**RESIDENTIAL DWELLING UNIT ALLOCATION RANKING,  
AS PROPOSED BY THE PLANNING AND ENVIRONMENTAL RESOURCES DIRECTOR  
UPPER KEYS - YEAR 18, QUARTER 2 (OCTOBER 13, 2009 TO JANUARY 12, 2010)**

Tier	Rank	Permit #	Name	Date and Time of Application	Time	Key	Subdivision	Lot	Block	RE#	Tier	Tier Pts.	Lot Agg Pts.	Land Ded	Flood	BAT/AWT	First Four Years	Each Add. Years	Given Pts.	Lost Pts.	Total Pts.
198		05302063	Rodriguez, Miriam	11-Jan-06	08:50 AM	Largo	Key Largo Beach	26	3	00562050.00000000	3-A	20	0	0	0	4	0	0	0	24	
199		05305658	M&M Enterprises	12-Jan-06	09:28 AM	Largo	Twin Lakes	6	19	00560580.00000000	3-A	20	0	0	0	4	0	0	0	24	
200		05303222	Riehl, William	12-Jan-06	01:05 PM	Largo	Sunrise Point Rev.	5		004484430.00000000	3-A	20	0	0	0	4	0	0	0	24	
201		05306425	Hodes, Michael	13-Jan-06	1:12 AM	Largo	Seaside Resub			004492200.00000000	3-A	20	0	0	0	3	0	0	0	23	
202		05304652	Lewis, Ed	21-Feb-06	10:25 AM	Largo	Harris Ocean Park Est. 1st Add.	20	8	00450370.00000000	3-A	20	0	0	0	0	3	0	0	0	23
203	♦	06307569	Ed Lewis LLC	13-Jul-07	1:00 AM	Largo	Twin Lakes	6	10	00549380.00000000	3-A	20	0	0	0	2	0	0	0	22	
204		07305168	Crawfaldity Inc.	6-May-08	12:11 PM	Largo	Bahia Mar Estates	7	8	00544240.00000000	3-A	20	0	0	0	1	0	0	N/A	N/A	
205		07304529	Bauer, Sally	14-Jul-08	1:53 PM	Largo	Holiday Homesites	1	2	00530340.00000000	3-A	20	0	0	0	0	1	0	N/A	N/A	
206		01306483	Jess Jeen Corp.	19-May-04	12:20 PM	Largo	Gulfstream Shores	14	6	00565770.00000000	1	10	0	0	0	4	2	0	0	16	
207		01303684	Jess Jeen Corp.	19-May-04	12:21 PM	Largo	Gulfstream Shores	4		00565360.00000000	1	10	0	0	0	4	2	0	0	16	
208		04303580	Parkinson, Dean	7-Sep-04	11:20 AM	Largo	Harris Ocean Park Estates	40	4	00448460.00000000	1	10	0	0	0	4	2	0	0	16	
209		04303593	Parkinson, Dean	7-Oct-04	12:05 PM	Largo	Ocean Park Village	10	2	00445710.00000000	1	10	0	0	0	4	2	0	0	16	
210		01303685	Jess Jeen Corp.	14-Oct-04	08:30 AM	Largo	Gulfstream Shores	3	5	00565350.00000000	1	10	0	0	0	4	2	0	0	16	
211		04304856	Schwendler, Robert	3-Jan-05	12:45 PM	Largo	Dove Creek Estates	3	2	00448050.00000000	1	10	0	0	0	4	2	0	0	16	
212		05300253	Pyrillis, George	4-Mar-05	1:00 AM	Largo	Harris Ocean Park Estates	24	3	00447840.00000000	1	10	0	0	0	4	2	0	0	16	
213		05300251	Pyrillis, George	4-Mar-05	1:20 PM	Largo	Harris Ocean Park Estates	25	3	00447850.00000000	1	10	0	0	0	4	0	0	0	14	
214		05300846	Rodriguez, Esuselio	30-Mar-05	10:45 AM	Largo	Harris Ocean Park Estates 1st Add.	8	9	00450750.00000000	1	10	0	0	0	4	0	0	0	14	
215		05305610	Nannini, Steven	13-Feb-06	11:25 AM	Largo	Gulfstream Shores	7	5	00565390.00000000	1	10	0	0	0	3	0	0	0	13	
216		04300844	McGraw, Dave	13-Apr-04	3:25PM	Largo	Key Largo Beach Add.	12	15	00553800.00020000	no designation on property	10	0	0	0	4	2	0	0	2	
217		01320085	McGravy, Dave	13-Apr-04	3:30PM	Largo	Key Largo Beach Add.	10	15	00503800.00010000	no designation on property		0	0	0	4	2	0	0	2	

\* Indicates a ranking sufficient to receive an application award.

② Indicates a ranking subject to Growth Management Division Director approval.

\$ Allocation held in abeyance, property has no Tier Designation. Once Tier Designation finalized will be brought back to Planning Commission for a recommendation or sufficient or insufficient ranking for application award.

♦ This symbol indicates a property that does not have a Tier Designation.  
Applicants who have a ROCO application date of Oct. 29, 2007, or earlier are grandfathered by perseverance points pursuant to vesting provision of Ordinance 069-2007.

**RESIDENTIAL DWELLING UNIT ALLOCATION RANKING,  
AS PROPOSED BY THE PLANNING AND ENVIRONMENTAL RESOURCES DIRECTOR**

**UPPER KEYS (ADMINISTRATIVE RELIEF) - YEAR 18, QUARTER 2 (OCTOBER 2/2009 TO JANUARY 13, 2010)**

Tier Rank	Permit #	BOCC Resolution	Name	Date and Time of Application Date	Time	Key Subdivision	Lot	Block RE#	Tier	Tier PIs	Lot Agg PIs. ONLY ea. 4 PIs	Land Ded Tier 2 or 3	Flood Zone V	BAT/ AWY	First Four Years	Each Years 2	Total
<b>MARKET RATE DWELLING UNITS</b>																	
1	*	04305757	Adm. Relief Reso. 485-2009 Martone, David	16-Feb-05	02:45 PM	Largo Largo Sound Park	20	14	00473360.000000	3	30	0	0	0	4	0	34
2	*	05301325	Adm. Relief Reso. 485-2009 Barn, Harley	31-May-05	11:45 AM	Largo Buccaneer Point	2	1	00496131.000200	3	30	0	0	0	4	0	34

\* Indicates a ranking sufficient to receive an allocation award.

® Indicates a ranking subject to Growth Management Division Director approval.

M. Indicates a ranking that is subject to Building Permit Restriction.

\$ H. Allocation held in abeyance, property has no Tier Designation. Once Tier Designation finalized will be brought back to Planning Commission for a recommendation of a sufficient or insufficient ranking for allocation award.

© This symbol indicates a property that does not have a tier designation.  
Applicants who have a ROCC application date of Oct. 25, 2007, or earlier are grandfathered by perseverance solids pursuant to vesting provision of Ordinance 09-2007.

**RESIDENTIAL DWELLING UNIT ALLOCATION RANKING,  
AS PROPOSED BY THE PLANNING AND ENVIRONMENTAL RESOURCES DIRECTOR  
AFFORDABLE HOUSING - YEAR 18, QUARTER 2 (OCTOBER 13, 2009 TO JANUARY 12, 2010)**

Rank	Permit #	Name	Date and Time of Application	Date	Time	Key	Subdivision	Lct	Block	RE#	Tier	Tier Pts	Land Dsd	Flood	BAT/ AWT	First Four Years	Each Add. Years	Total
<b>AFFORDABLE DWELLING UNITS</b>																		
Very Low, Low, Median Income																		
No applicants under Very Low, Low, Median Income																		
<b>AFFORDABLE DWELLING UNITS</b>																		
Moderate Income																		
No applicants under Moderate Income																		

\* Indicates a ranking sufficient to receive an allocation award.

D Indicates the recommendation is deferred to the February 11, 2009, Planning Commission meeting.

G Indicates a ranking subject to Growth Management Division Director approval.

M Indicates a ranking that is subject to a Building Permit Restriction. Applicants who have a ROGO application date of Dec. 29, 2007, or earlier are granted three points for perseverance pursuant to vesting provision of Ordinance 006-2007.



**RESIDENTIAL DWELLING UNIT ALLOCATION RANKING,  
AS PROPOSED BY THE PLANNING AND ENVIRONMENTAL RESOURCES DIRECTOR  
BIG PINE KEY and NO NAME KEY - YEAR 18, QUARTER 2 (OCTOBER 13, 2009 TO JANUARY 12, 2010)**

Rank	Permit #	Name	Date	Data and Time of Application	Time	Key	Subdivision	Lot	Block RE#	Tier	Tier Pls	Located on	Marsh	Key	Lot AGG	Land Payment	AFH/ Emp	Central Waste water	Flood Zone V	First 4 years	Each Add Years	Total
												No Name	Rabbit/ Deer Buffer	Corridor	No Name	Acq. Fund	To Emp	Waste water				
*																						

\*Indicates a ranking sufficient to receive an allocation award.  
 D indicates the recommendation is deferred to the February 11, 2009, Planning Commission meeting.  
 ® Indicates a ranking subject to Growth Management Division Director approval.  
 M indicates a ranking that is subject to a Building Permit Restriction.  
 Applicants who have a RGGO application date of Oct. 29, 2007, or earlier are grandfathered for perseverance points pursuant to vesting provision of Ordinance 008-2007.

**RESIDENTIAL DWELLING UNIT ALLOCATION RANKING,  
AS PROPOSED BY THE PLANNING AND ENVIRONMENTAL RESOURCES DIRECTOR  
AFFORDABLE HOUSING - BIG PINE KEY AND NO NAME KEY YEAR 18, QUARTER 2  
(OCTOBER 13, 2009 TO JANUARY 12, 2010)**

Rank	Permit #	Name	Date	Time	Key	Subdivision	Lot	Block	RE#	Tier	Tier PIs	Located on No Name	Marsh Rabbit/ Buffer	Key Deer Corridor	Lot Agg PIs Tier 2 or 3	Land Def.	Payment to Emp	AFH/ Acq. Fund	Central Waste water	Flood Zone V	First Four Years	Each Year	Each Acq. Year	Total
<b>AFFORDABLE DWELLING UNITS</b>																								
Very Low, Low, Median Income																								
No applicants under Very Low, Low, Median Income																								
<b>AFFORDABLE DWELLING UNITS</b>																								
Moderate Income																								
No applicants under Moderate Income																								

① indicates a ranking sufficient to receive an allocation award.  
 D indicates the recommendation is deferred to the February 11, 2009,  
 Planning Commission meeting.  
 ② indicates a ranking subject to Growth Management Division Director approval.  
 M indicates a ranking that is subject to a Building Permit Restriction.  
 Applicants who have a ROGO application date of Oct. 29, 2007,  
 or earlier are grandfathered for performance points pursuant to  
 vesting provision of Ordinance 105-2007.